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BY: Angela Kyzczal DATE: 12-6-02

**PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent Application of : Group Art Unit: 1633
Darwin J. Prockop *et al.*
Appln. No.: 08/913,918 : Examiner: Janet M. Kerr, Ph.D.
Filed: December 8, 1997 : Attorney Docket
For: ISOLATED STROMAL CELLS : No. 9855-14U1
AND METHODS OF USING : (209855.0057)
THE SAME : (TJU-1857)

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AMENDMENT

This Amendment responds to the Office Action mailed June 20, 2000 (Paper No. 19), sent in connection with the above-referenced application.

This Amendment is being timely filed in view of the accompanying Petition for a three month extension of time, which extends the time for a response to the Office Action through and to December 20, 2000.

In response to the Office Action, kindly amend the application as follows.

In the Claims:

Please amend claims 37, 38, 56-58, and 65-68, without prejudice, as follows:

37. (Three times amended) Immunologically isolated marrow stromal cells that comprise a gene construct, said gene construct comprising a nucleotide sequence that encodes a beneficial protein, wherein said gene construct is operably linked to regulatory elements which function in said immunologically isolated marrow